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48500

7590

09/08/2008

SHERIDAN ROSS P.C.
1560 BROADWAY, SUITE 1200
DENVER, CO 80202

EXAMINER

TRUONG, LAN DAI T

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 09/08/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,874	10/22/2001	Neil Hepworth	4366-43	4659
TITLE OF INVENTION: REAL TIME CONTROL PROTOCOL SESSION MATCHING				

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	12/08/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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4850 7590 09/08/2008
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1560 BROADWAY, SUITE 1200
DENVER, CO 80202

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	NO	\$1440	\$300	\$0	\$1740	12/08/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
TRUONG, LAN DAI T	2152	709-230000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 09/08/2008

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1170 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1170 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/028,874

Examiner

LAN-DAI Thi TRUONG

Applicant(s)

HEPWORTH ET AL.

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/07/2007.
2. ☒ The allowed claim(s) is/are 31-49 and 51-59.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 05/24/2007
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Kenny S Lin/
Primary Examiner, Art Unit 2152

DETAILED ACTION

1. This action is response to communications: application, filed on 10/22/2001; Appeal Brief filed on 08/02/2007. Claims 1-30, 50 and 53-56 are cancelled; claims 57-59 are added; claims 48, 51 are amended.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for those examiner's amendments were given in a telephone interview with Attorney Douglas W. Swartz, Reg. no. 37,739 on August 28, 2008 at 10:30 AM.

4. The claims have been amended as following:

48.(Currently Amended) In a network, the network comprising:

(i) a session monitor operable to track network performance for a plurality of sessions and maintain first and second sets of data structures having active Voice over Internet Protocol (VoIP) session entries, the first set of data structures comprising, for each active session entry in the first set of data structures, electronic addresses for each of the endpoints involved in the VoIP session identified in the respective session entry, and the second set of data structures comprising, for each active VoIP session entry in the second set of data structures, each of the

entries in the second set of data structures failing to comprise addresses for each of the endpoints to the corresponding session; and

(ii) first endpoint and second endpoints, the first endpoint being operable to transmit first and second sets of packets, respectively, to the session monitor and the second endpoint, wherein the first and second sets of packets have differing information, wherein each packet in the first set of packets is used by the session monitor to determine network performance information, and wherein each of the first and second endpoints has an associated electronic address on a network and a session identifier, a method comprising:

(a) the first endpoint receiving at least a first packet communicated between the first endpoint and a second endpoints to a the first session, the first packet comprising ~~an~~ the electronic address of the first endpoint on the network, ~~an~~ the electronic address of the second endpoint on the network, and voice information, and being associated with the second packet set; ~~and~~

(b) the first endpoint transmitting at least a second packet to a the session monitor, the at least a second packet including the respective first and second ~~network~~ addresses of the first and second endpoints and being associated with the first packet set, wherein the first session has an entry in the second set of data structures and wherein, based on the at least a second packet, the session monitor determines the electronic addresses for both the first and second endpoints, updates the corresponding entry in the second set of data structures, and moves the entry from the second to the first set of data structures;

(c) the session monitor receiving at least a second packet, the second packet comprising a session identifier associated with the first endpoint;

(d) determining whether at least one of the first endpoint's network address and session identifier corresponds to an active session entry recorded in the first set of data structures;

(e) when at least one of the first endpoint's address and session identifier correspond to an active session entry in the first set of data structures, updating the corresponding entry to include the network performance information associated with the at least a second packet;

(f) determining whether at least one of the first endpoint's address and session identifier correspond to an active session entry recorded in the second set of data structures; and

(g) when at least one of the first endpoint's address and session identifier correspond to an active session entry in the second set of data structures, updating the entry to include the performance information associated with the at least a second packet.

50. (Canceled)

51. (Currently Amended) In a network, the network comprising:

(i) a session monitor operable to track network performance for a plurality of sessions;
and

(ii) first endpoint and second endpoints, the first endpoint being operable to transmit first and second sets of packets, respectively, to the session monitor and the second endpoint, wherein the first and second sets of packets have differing information, wherein each packet in the first set of packets is used by the session monitor to determine network performance information, and wherein each of the first and second endpoints has an associated electronic address on a network and a session identifier, the first endpoint comprising:

(ia) an input operable to receive at least a first packet communicated between the first and second endpoints to a first session, the first packet comprising an ~~network~~ address of the first

endpoint, an ~~network~~ address of the second endpoint, and voice information, and being associated with the second packet set; and

(ib) a transmitter operable to transmit at least a second packet to a session monitor, the at least a second packet including the respective first and second ~~network~~ addresses of the first and second endpoints and being associated with the first packet set and the session monitor comprising:

(iia) an input operable to receive at least a second packet in the first packet set, the second packet comprising at least the network address and session identifier associated with the first endpoint; and

(iib) a matcher operable to:

(b1) determine whether at least one of the first endpoint's address and session identifier correspond to an active session entry recorded in a first set of data structures, the first set of data structures comprising active session entries, each entry in the first set of data structures having at least addresses for each of the endpoints to the corresponding session;

(b2) when at least one of the first endpoint's address and session identifier correspond to an active session entry in the first set of data structures, update the corresponding entry to include the performance information associated with the at least a second packet;

(b3) determine whether at least one of the first endpoint's address and session identifier correspond to an active session entry recorded in a second set of data structures, the second set of data structures having active session entries, each of the entries in the second set of data structures failing to comprise addresses for each of the endpoints to the corresponding session; and

(b4) when at least one of the first endpoint's network address and session identifier correspond to an active session entry in the second set of data structures, update the entry to include the performance information associated with the at least a second packet.

53. (Canceled)

54. (Canceled)

55. (Canceled)

56. (Canceled)

57. (New) In a network, the network comprising:

(i) a session monitor operable to track network performance for a plurality of Voice over Internet Protocol (VoIP) sessions; and

(ii) first endpoint and second endpoints, the first endpoint being operable to transmit first and second sets of packets, respectively, to the session monitor and the second endpoint, wherein the first and second sets of packets have differing information, wherein each packet in the first set of packets is used by the session monitor to determine network performance information, and wherein each of the first and second endpoints has an associated electronic address on a network and a session identifier, the session monitor comprising:

(a) an input operable to receive at least a first packet in the first packet set, the first packet comprising at least the electronic address and session identifier associated with the first endpoint; and

(b) a matcher operable to:

(b1) determine whether at least one of the first endpoint's electronic address and session identifier correspond to an active session entry recorded in a first set of data structures,

the first set of data structures comprising active session entries, each entry in the first set of data structures having at least electronic addresses for each of the endpoints to the corresponding session;

(b2) when at least one of the first endpoint's electronic address and session identifier correspond to an active session entry in the first set of data structures, update the corresponding entry to include the performance information associated with the at least a first packet;

(b3) determine whether at least one of the first endpoint's electronic address and session identifier correspond to an active session entry recorded in a second set of data structures, the second set of data structures having active session entries, each of the entries in the second set of data structures failing to comprise electronic addresses for each of the endpoints to the corresponding session; and

(b4) when at least one of the first endpoint's electronic address and session identifier correspond to an active session entry in the second set of data structures, update the entry to include the performance information associated with the at least a first packet.

58. (New) The session monitor of claim 57, wherein at least some of the packets in the second set of packets comprise media information associated with the first session, and wherein, in operations (b1) and (b3), a corresponding entry is identified using the electronic address and session identifier of the first endpoint, wherein operation (b3) is performed when the at least one of the first endpoint's electronic address and session identifier fail to correspond to an entry in the first set of data structures, wherein the electronic address is at least one of a port and transport address, and further comprising:

(c) a parser operable to parse the at least a first packet for at least one selected field and determine whether the electronic address of the second endpoint is in the selected field, wherein, when the electronic address of the second endpoint is in the selected field, operations (b1)-(b4) are not performed and, when the electronic address of the second endpoint is not in the selected field, operations (b1)-(b4) are performed.

59. (New) The session monitor of claim 57, wherein the network performance information comprises statistics about the media packets in the second set of packets and wherein the session monitor is further operable to:

(b5) determine whether a pair of session entries in the second set of data structures pertain to a common session; and

(b6) when the second set of data structures includes a pair of session entries pertaining to a common session, remove the pair of entries from the second set of data structures and adding the pair of session entries to a common session entry in the first set of data structures, wherein, when the at least one of the first endpoint's electronic address and session identifier are not in the first and second sets of data structures, the at least one of the first endpoint's electronic address and session identifier is added to the second set of data structures, wherein the packets in the first set of packets are defined by the Real Time Transfer Control Protocol, wherein the packets in the second set of packets are defined by one of the Real Time Transfer Control Protocol and the Real Time Protocol, wherein the performance information comprise statistics respecting at least one of jitter, packet loss, and round-trip time, wherein the first set of data structures comprises, for each active session, a transport address of each of the endpoints participating in the session, the session identifiers for each of the endpoints participating in the

session, and performance information corresponding to packets exchanged in the session, wherein the second set of data structures comprises, for each active session, a transport address of at least one of the endpoints participating in the session, a session identifier for at least one but less than all of the endpoints participating in the session, and performance information corresponding to packets exchanged in the session, and wherein the performance information comprises at least one of jitter, packet loss, and packet round-trip time, wherein the media information comprises voice data, and wherein the packets in the first set of packets do not contain media information.

Reasons for allowance

5. With respect to claims 31, 40, 48, 51 and 57. The prior arts of record, singly or in combination fails to teach the feature of claim(s) limitations thereof. Specially, inter alia, it fails to teach: in the first session, a first endpoint transmitting first and second sets of packets to a session monitor and a second endpoint, wherein the first and second sets of packets is used for determining network performance information. The session monitor receiving at least a first packet in the first packet set, wherein the first packet comprising at least the network address and session identifier associated with the first endpoint; determining whether at least one of the first endpoint's network address and session identifier correspond to an active session entry recorded in a first set of data structures, the first set of data structures comprising active session entries, each entry in the first set of data structures having at least network addresses for each of the endpoints to the corresponding session; when at least one of the first endpoint's network address and session identifier correspond to an active session entry in the first set of data structures, updating corresponding entry to include the network performance information associated with

the at least a first packet; determining whether at least one of the first endpoint's network address and session identifier correspond to an active session entry recorded in a second set of data structures, the second set of data structures having active session entries, each of the entries in the second set of data structures failing to comprise network addresses for each of the endpoints to the corresponding session; and when at least one of the first endpoint's network address and session identifier correspond to an active session entry in the second set of data structures, updating the entry to include the performance information associated with the at least a first packet.

Claims 32-39, 41-47, 49, 52 and 58-59 further limit the allowed claims, therefore they are also allowed.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance"

Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan-Dai Thi Truong whose telephone number is 571-272-7959. The examiner can normally be reached on Monday- Friday from 8:30am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

09/05/2008.

/Kenny S Lin/

Primary Examiner, Art Unit 2152